

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Parker Tirrell, by her parents and
next friends Sara Tirrell and Zachary
Tirrell, *and*

Iris Turmelle, by her parents and next
friends, Amy Manzelli and Chad
Turmelle,

Plaintiffs,

v.

Frank Edelblut, *in his official
capacity as Commissioner of the New
Hampshire Department of Education;*

**Andrew Cline, Kate Cassady, Ann
Lane, Philip Nazzaro, Rajesh Nair,
James Fricchione, and James
Leboe**, *in their official capacities as
members of the New Hampshire State
Board of Education;*

**Pemi-Baker Regional School
District;**

Pembroke School District;

Donald J. Trump, *in his official
capacity as President of the United
States,*
1600 Pennsylvania Avenue NW,
Washington, DC 20220;

U.S. Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Pamela Bondi, *in her official capacity
as Attorney General of the United
States,*
950 Pennsylvania Avenue NW,
Washington, DC 20530;

Civil Case No. 1:24-cv-00251-LM-TSM

U.S. Department of Education,
400 Maryland Avenue SW,
Washington, DC 20202; and

Denise L. Carter, *in her official
capacity as Acting Secretary of the
United States Department of Education,*
400 Maryland Avenue SW,
Washington, DC 20202.

Defendants,

and

Female Athletes United,
Proposed Intervenor-Defendant.

**DECLARATION OF KRISTI BURTON BROWN
IN SUPPORT OF MOTION TO INTERVENE**

I, Kristi Burton Brown, under penalty of perjury, declare as follows:

1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration. I have personal knowledge of the information below.

2. I am the Chairman of the Board of Directors of Female Athletes United, also known as FAU.

Female Athletes United Background

3. Female Athletes United is an Internal Revenue Code Section 501(c)(3), membership organization incorporated in Texas and formed for the purpose of defending women's sports, ensuring that women and girls have equal opportunities, and guaranteeing that women compete on a fair and safe playing field. Simply put, FAU promotes girls' and women's right to not compete against males who identify as females on girls' and women's sports teams. FAU also upholds the rights of women and girls to privacy in their locker rooms, restrooms, and other intimate spaces, as these protections are integral to their ability to participate in athletics.

4. FAU was founded in November 2023 to respond to the growing trend of males who identify as females entering women's sports. The founding officials of FAU watched as males identifying as females stole women's opportunities to advance, earn scholarships, be champions in their own sports, and in some cases, watched female athletes get injured by competing against male athletes.

5. At FAU, we publicly advocate for women's sports and seek to ensure women's sports remain or return to being women-only. FAU is a coalition of prospective, current, and former female athletes and also coaches, family members, and others who want to ensure that women's and girls' sports remain a place for only women and girls. Many of FAU's members are female athletes who currently compete on their girls' sports teams at public schools that receive Title IX funding.

6. The prospective and current athlete members do not want to be forced to compete against male athletes, because male athletes have a physical advantage over female athletes.

7. FAU also has male and female members who care about the existence of female sports. They want to make sure that women's sports teams are not eliminated as men are being permitted to play on women's and girls' sports teams.

8. Several FAU members are parents of current and former female athletes. These members supported their daughters throughout their athletic careers. They saw the benefits women's sports had on their daughters and they want to ensure that future generations of women and girls will have the same equal opportunities their own daughters experienced in sports.

9. When FAU members sign up as members, they can input their background information about why they feel passionate about women's sports. Board members review this information when they check FAU's membership.

FAU's Founding Board Members

10. I am the Chairman of the Board, and I founded FAU to protect women's sports. As the Board Chairman, I am familiar with the biographies of the other FAU board members.

11. I have spent time and effort in my professional life working to protect women's sports.

12. From childhood through junior high, I competed in figure skating. Figure skating shaped my childhood, and I learned many valuable lessons from competing in such an intense sport.

13. I am a constitutional law attorney, focusing on First Amendment and equal-protection issues. I am admitted to the Bar of the U.S. Supreme Court. I was honored to submit an amicus brief to the U.S. Supreme Court on behalf of dozens of female athletes to defend women's rights in sports in *West Virginia, et al. v. B.P.J.*

14. I want to protect women's sports for the next generation, specifically for my daughter who is involved in dance.

15. The other two founding members of the board are invested in protecting women's sports. Michele Hadley is the President and Treasurer of FAU and grew up in a family that was very involved in soccer.

16. She competed in travel soccer and on softball teams for many years. She was a four-sport varsity athlete in soccer, softball, cross country, and track. Michele chose soccer as her one love and received a scholarship to play soccer at the University of Central Arkansas. Michele led the school's Division 1 women's soccer team as its captain, won a championship ring her senior year, and helped the team secure an undefeated record in the regular season.

17. As a former college athlete, Michele is passionate about protecting girls who seek to compete fairly in their sport. Michele's family is deeply involved in

female sports: her dad and brother coach girls' softball teams, her mother is a sports-recruiting consultant, and her sister is a college softball coach.

18. Sandra Bucha is the Secretary for FAU. She was a nationally and world-ranked age group swimmer during her swimming career. She became an American record holder and national champion. Sandra was allowed to train with the boys' swim team at Hinsdale Central High School during the 1968–1972 high school seasons as there were no organized sporting activities for girls during that time.

19. Sandra recognized the discrimination all female athletes in high school faced because she lacked opportunities during those years. With the assistance and encouragement of her parents and coach, Sandra filed suit against the Illinois High School Association in federal court. The court's opinion in *Sandra Lynn Bucha, et al. v. Illinois High School Association, et al., United States District Court, N.D. Illinois, E.D. 72 C 378 (Opinion issued November 15, 1972)* was a precursor of things to come as Title IX of the Civil Rights Act, and several amendments were soon thereafter enacted. Although Sandra did not personally prevail in her independent action, the case was cited often in subsequent legal cases.

20. Sandra was a finalist in the 1972 Olympic trials and narrowly missed making the 1972 Olympic team. While attending Stanford University, Sandra embarked on her professional marathon swimming career. She joined the professional marathon swimming circuit in the summer of 1973 and for the next three years, competed in nine marathon swims.

21. She was undefeated as the first female in all her marathon swims, consistently placing second overall to International Swimming Hall of Fame (ISHOF), John Kinsella, earning her a place in the ISHOF, class of 2014.

22. Her accomplishments in the water and as a women's advocate helped pave the way for thousands of girls and women to participate in sports, the

acceptance of women in the male-dominated sport of marathon swimming, and for marathon swimming to become an Olympic sport.

23. The FAU board members founded FAU to respond to the growing number of males participating in women's sports. In reaction to these numerous instances and given our background in advocating for female athletes, we decided to start an organization that would address these concerns.

24. When we started our organization, we expended time and resources, and we had a website created for members to join and to share our purpose. Our website can be found at <https://www.femaleathletesunited.org/>.

Organizational structure and purpose of FAU

25. One purpose of FAU, and one reason members join FAU, is FAU provides legal cover for its members to speak about the issues mentioned above. FAU speaks on behalf of its members and provides anonymity for some female athletes.

26. I have active and general supervision over FAU. I have knowledge of the operations and circumstances of FAU's members with respect to their commitment to FAU's values, and to the impact of the laws and policies challenged in this case by FAU's members.

27. The board is responsible for increasing FAU membership and advocating for FAU's positions. In my experience, members join FAU because they share FAU's positions.

28. FAU is a membership organization formed to defend equal opportunity, fairness, and safety in women's and girls' sports. FAU members oppose allowing males to compete in female sports because males have inherent physical advantages that make competing against females unfair and often unsafe. They also advocate for privacy in women's intimate spaces as this is an essential aspect of athletic participation.

29. Part of the FAU advocacy and educational mission includes taking action against the major developments that will affect our members' educational opportunities.

30. Some of our members are female athletes at public schools who have been forced to compete against males in their events.

31. Thankfully, other FAU members have been protected from unfair competition against males.

32. As an organization, FAU exists to protect women and women's sports by ensuring that only women compete in women's sports.

33. FAU was a plaintiff in a case challenging the Biden Administration's Title IX rule, which would allow males who identify as girls or women to be on girls' sports teams and use their intimate facilities at school. FAU was successful at helping the plaintiffs win an injunction, which protected the schools of FAU members from the mandates of the rule. *See Kansas v. United States Dep't of Educ.*, 739 F. Supp. 3d 902, 918–19 (D. Kan. 2024) ("FAU is concerned that its members will lose their scholarships, privacy, and freedom of speech. Based on this review, the court finds that the interests at stake are relevant to the Plaintiff Organizations' purposes.")

FAU's Members

34. FAU has members in states across the country, including members located and competing on girls' sports teams for their public schools in New Hampshire.

35. We also have members in numerous other states including: Arizona, California, Colorado, Connecticut, Georgia, Idaho, Illinois, Kansas, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, New York, North Carolina, Oregon, Pennsylvania, Texas, Utah, Virginia, Washington, West Virginia,

Wisconsin, and Wyoming. Many of these members attend public schools in their state and some compete in girls' sports through their schools.

36. I can confirm that B.W., K.D., A.C., and A.K., identified in the Motion to Intervene, are members of FAU and that based on their membership forms, they are female athletes who attend public schools.

37. And based on the information B.W. and K.D. submitted to FAU, they are female athletes who compete on girls' sports teams for their public schools in New Hampshire.

Women's Private Spaces

38. Not only does FAU support women's equality in sports, but FAU also wants to ensure that women and girls have access to sex-specific private spaces like locker rooms, showers, restrooms, and hotel rooms on overnight trips.

39. Having safe access to locker rooms, showers, and overnight trips is an essential part of playing athletics and participating on sports teams. Athletes need to be able to change in locker rooms and travel with their sports team in order to play on their sports team.

40. Likewise, having safe access to restrooms is essential to enjoying the benefits of school.

41. FAU leadership has seen reports that an increasing number of individuals who identify as transgender are seeking access to sex-specific spaces like locker rooms, showers, and restrooms belonging to the opposite sex.

42. Ensuring privacy in women's restrooms and locker rooms is a paramount concern for female athletes and therefore for FAU. In many cases, women's restrooms and locker rooms do not provide privacy. Women's restroom stalls often have wide gaps between the stall doors, exposing women and girls to other

individuals in the restroom. Also, women's locker rooms tend to have wide open spaces for women and girls to change in front of lockers.

43. At FAU, we want to ensure that women have the right to private spaces. We believe that many of our members do not want to share their private spaces with biological males, whether that be a restroom, locker room, shower area, or overnight accommodation.

The New Hampshire laws and the Executive Orders

44. FAU is committed to promoting laws and policies that protect fairness in women's sports and privacy in their intimate facilities, as guaranteed by Title IX.

45. Currently, New Hampshire's Fairness in Women's Sports Law (HB 1205) protects fairness in women's athletics across the state. While this Court enjoined that law already to allow the plaintiffs to participate in women's sports, that law still applies elsewhere across New Hampshire, protecting female athletes across New Hampshire.

46. And earlier this year, President Trump signed two executive orders protecting female students' privacy and athletic opportunity: *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government* and *Keeping Men Out of Women's Sports*.

47. The executive orders take positions that protect FAU members, like B.W., K.D., A.C., and A.K. from being forced to share private spaces like restrooms and locker rooms with males and from having males on their girls' teams at their own public schools and also on other public-school teams they compete against.

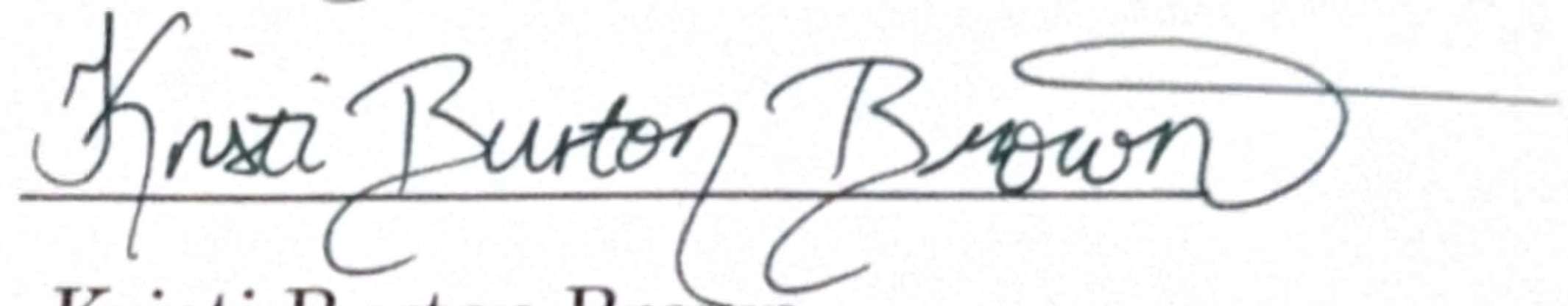
48. New Hampshire's Sports Law and the Trump executive orders help protect some FAU members, like B.W. and K.D. If those protections go away, FAU members who are female athletes in school would be more likely to lose their privacy in restrooms and locker rooms and their equal opportunities in sports.

49. FAU wants to ensure that women and girls have access to safe, sex-specific private spaces like restrooms, showers, locker rooms, and hotels on overnight stays and to fair athletic opportunities.

DECLARATION UNDER PENALTY OF PERJURY

I, Kristi Burton Brown, a citizen of the United States and a resident of the State of Colorado, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 20th day of February, 2025 at Douglas County, Colorado.


Kristi Burton Brown